

Appl. No. 09/990,537
Amdt. Dated May 24, 2004
Reply to Office action of February 24, 2004

REMARKS/ARGUMENTS

Claims 1-7 and 14-18 are pending in the instant application. Claims 1-7 and 14-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,574,495 B1 to Golman et al. Reconsideration is respectfully requested.

Applicants hereby confirm the election to prosecute the claims identified in the Office Action as belonging to Group I, i.e., claims 1-7 and 14-18. Applicants reserve the right to file a divisional application on the non-elected claims at a later time.

Claims 1-7 and 14-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,574,495 B1 to Golman et al. This rejection is respectfully traversed.

Applicants submit that the '495 patent fails to disclose each and every element of the claimed invention as is required for a novelty rejection. Specifically, the '495 patent fails to disclose that the solution in step (ii) [of pending claim 1] is introduced into the hydrogenation chamber in droplet form. The Examiner refers in his statements to col. 14, lines 50-67 and col. 15, lines 1-67 of the The '495 patent. However, there it is only disclosed that the solution is introduced into the reaction chamber and into a particulate bed (col. 14, lines 61-62). It is not stated that the solution is introduced into the chamber in droplet form.

The Examiner further states that "this gas-liquid countercurrent flow.....necessitates some droplet formation". Even assuming, *arguendo*, that such was the case, this is irrelevant because even if droplets were formed, this formation would happen inside the chamber, whereas the distinguishing feature of claim 1 is that the solution is introduced into the chamber in droplet form. How this can be achieved is described on page 9, line 14 to page 10, line 5 of our application (I refer to the version filed with the PTO on 16 November 2001): ".....introduced in droplet form, e.g. by spraying or atomizing, into this reactor." Applicants submit that such methods are not described in the '495 patent, rather, introduction

Appl. No. 09/990,537
Amdt. Dated May 24, 2004
Reply to Office action of February 24, 2004

into the reaction chamber of the '495 patent is achieved by a simple "solution inlet" (col. 15, line 46).

As the '495 patent is completely silent as to means by which the solution could be introduced in droplet form, Applicants respectfully submit that the present invention is patentably distinguishable thereover. As all the further pending claims 2-7 and 14-18 contains the same distinguishing feature of claim 1 (introduction in droplet form), all these claims are patentably distinguishable over the '495 patent, as well. Reconsideration and withdrawal of the rejection is respectfully requested.

In view of the remarks hereinabove, Applicants respectfully submit that the instant application, including claims 1-7 and 14-18, is in condition for allowance. Favorable action thereon is respectfully requested.

Any questions the Examiner may have with respect to the foregoing may be directed to Applicants undersigned counsel at the telephone number below.

Respectfully submitted,



Robert F. Chisholm
Reg. No. 39,939

Amersham Health, Inc.
101 Carnegie Center
Princeton, NJ 08540
Phone (609) 514-6905

H:\IP\Response to Office Action\NIDN\NIDN10428 (5-24-04).doc